

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

FRANCISCO ABELLAN VILLENA, et al.

Defendants.

No. 18-cv-4309 (PKC)

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
STATUS REPORT**

Plaintiff Securities and Exchange Commission ("SEC") respectfully submits this Status Report in compliance with this Court's Order dated January 18, 2022 (ECF No. 103).

1. Background and Status

The status of this case remains unchanged since the SEC's last Status Report dated January 18, 2022. (ECF No. 101.) The SEC had anticipated that, by now, it may have been able to conclude a "bifurcated" settlement agreement with defendant James B. Panther ("Panther"), and to have filed Panther's executed consent, together with a proposed partial judgment. However, the SEC still has not received Panther's executed consent. It appears that at least part of the reason for the delay is that Panther's counsel has been engaged in a multi-week civil jury trial in this district. The SEC understands that the jury returned a verdict earlier this week. Accordingly, the SEC has asked Panther's counsel to provide a definitive answer one way or the other as to whether Panther will execute the consent. Panther's counsel has indicated that he is actively discussing the situation with Panther and will revert to the SEC as soon as possible. Under the circumstances, the SEC proposes to further await Panther's position. Should Panther's counsel be unable to

provide Panther's position next week, or should Panther decline to execute the consent, the SEC will plan to file a dispositive motion based, in part, on Panther's guilty plea in the parallel criminal case in the District of Arizona, *U.S. v. Abellan, et al.*, No. CR-19-00448 (D.Az). In all events, the SEC will further report to the Court as soon as developments may warrant.

We thank the Court for the opportunity to submit this Status Report.

Dated: February 18, 2022

Respectfully submitted,

/s/ Duane K. Thompson

Duane K Thompson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing Plaintiff's Status Report were served via email and ECF this 18th day of February 2022 on the following:

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